

REMARKS

Claim 1 has been amended by requiring the composition to be a shampoo or a rinse-out conditioner. Support for these amendments exists, *inter alia*, at page 26, lines 11-12.

The subject matter of claims 21-23 has been combined into claim 21. Accordingly, claims 22 and 23 have been canceled.

The subject matter of claim 24 has been split into two claims, with claim 24 being directed to methods of washing and claim 26 being directed to methods of conditioning.

New claims 25 and 26 have been added. Support for these new claims exists, *inter alia* at page 26, lines 11-12 and original claim 24.

Claims 1-21 and 24-26 are currently pending.

The Office Action rejected claims 1, 3, 6, 8, 9, 13, 14, 17 and 20 under 35 U.S.C. § 103 as obvious over GB 2,367,749 ("GB 749"); claims 1-6, 8, 9, 13-17 and 20-24 under 35 U.S.C. § 103 as obvious over U.S. patent application publication no. 2003/0108501 ("Hofrichter"); claims 1-3, 5-15 and 17-24 under 35 U.S.C. § 103 as obvious over U.S. patent 5,955,415 ("Gutierrez") and claims 7, 10-12 and 18 under 35 U.S.C. § 103 as obvious over Hofrichter in view of Gutierrez. In view of the following comments, Applicants respectfully request reconsideration and withdrawal of these rejections.

The present invention relates to shampoo and rinse-out conditioner compositions containing polyalkyleneimine(s) and mineral particles at a weight ratio of 0.1-0.0001, and to methods of using such compositions. The cited art neither teaches nor suggests such specific shampoo/rinse-out conditioner compositions.

GB 749 relates to depilatory compositions in which PEI could be one of a number of pH regulators, where the purpose of the pH regulator is to activate the depilatory agent. (Page 6, line 14 et seq.). One skilled in the art, seeking to produce a shampoo or rinse-out conditioner composition, would not look for guidance from depilatory compositions and/or agents which activate depilatory agents such as those found in GB 749: depilation is not a goal of shampoo and conditioner compositions -- in fact, depilation is antithetical to such compositions. A shampoo or rinse-out conditioner which caused hair loss would be an utter disaster. Accordingly, GB 749 cannot teach or suggest the claimed shampoos or conditioners, nor can it teach or suggest the claimed washing/conditioning methods.

Gutierrez relates to laundry detergent compositions containing “detergent builders” (for example, some types of mineral particles – see, cols. 13-17). Significantly, Gutierrez itself distinguishes prior art shampoo compositions by stating that “no detergency builders ... would be present in such compositions” – col. 2, lines 60-62; col. 3, lines 1-3). Thus, Gutierrez expressly states that shampoo compositions, unlike his detergent compositions, do not contain “detergent builders,” thereby teaching away from combining solid mineral particles (“detergent builders” as defined by Gutierrez) and PEI in shampoos or conditioners. Accordingly, Gutierrez neither teaches nor suggests the claimed compositions or methods.

Hofrichter merely states that a suspending agent can optionally be present in his compositions, and that PEI could possibly be such a suspending agent. Nothing in Hofrichter teaches, suggests, or recognizes any benefits associated with actually combining PEI and solid mineral particles in a shampoo or a rinse-out conditioner. In other words, given only the general guidance provided by Hofrichter, one skilled in

the art would not be motivated to combine the claimed solid mineral particles with PEI with the expectation that a useful, beneficial shampoo or rinse-out conditioner would result.

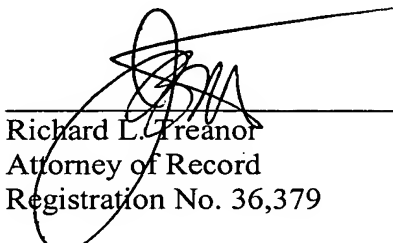
This is particularly true given that the claims require solid mineral particles and PEI to be present in a specific ratio: a specific ratio which is neither taught nor suggested by Hofrichter. Nothing in Hofrichter would lead one skilled in the art to combine solid mineral particles and PEI in the required concentrations in shampoos or rinse-out conditioners, meaning that Hofrichter would not lead one skilled in the art to the claimed compositions or methods.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

Applicant believes that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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